

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

AS AMENDED

BILL NO. 93-14 (as amended)Introduced by Council Member PiernoLegislative Day No. 93-9 Date March 16, 1993

AN ACT to repeal and reenact, with amendments, Subsections A and D of Section 214-11, Enforcement, Suspension or Revocation of Permit, of Article I, Sediment Control, and to add new Section 214-25.1, Additional Civil Penalty, to Article I, Sediment Control, all of Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended; to establish a civil penalty for violations of the county's sediment control laws; to establish a procedure for imposing the penalty; to allow the penalty to be appealed; to impose certain requirements on the county in regard to the penalty; to provide the adjudication of the penalty does not constitute a criminal conviction and does not impose any civil disability normally imposed by a criminal conviction; and generally relating to sediment control.

By the Council, March 16, 1993
Introduced, read first time, ordered posted and public hearing scheduled:
on: April 20, 1993
at: 6:00 p.m.
By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 20, 1993, and concluded on, April 20, 1993

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

AS AMENDED

Section 1. Be It Enacted By The County Council of Harford County, Maryland, that Subsections A and D of Section 214-11, Enforcement, Suspension or Revocation of Permit, of Article I, Sediment Control, be, and they are hereby, repealed and reenacted with amendments, and that new Section 214-25.1, Additional Civil Penalty, be, and it is hereby, added to Article I, Sediment Control, all of Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended, to read as follows:

Chapter 214. Sediment Control and Stormwater Management.

Article I. Sediment Control.

Section 214-11. Enforcement; suspension or revocation of permit.

A. Enforcement procedures.

(1) When the Department or its inspector determines that a violation of the approved erosion and sediment control plan, the permit, agreement or the provisions of this Article has occurred, the inspector shall notify the on-site personnel or the permittee, in writing, of the violation and describe the required corrective ~~actin~~ action and the time period in which to have the violation corrected.

(2) If the violation persists after the date specified for corrective action in the notice of violation, the Department [shall stop work on the site by the issuance of a stop-work order. The Department shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to correct the violation.] ~~SHALL~~ MAY:

1 (a) STOP WORK ON THE SITE BY ISSUING A STOP-WORK
2 ORDER; OR

3 (b) IMPOSE A FINE UNDER § 214-25.1 OF THIS ~~ARTICLE.~~
4 ARTICLE; OR

5 (c) STOP WORK ON THE SITE BY ISSUING A STOP-WORK
6 ORDER AND IMPOSE A FINE UNDER §214-25.1 OF THIS ARTICLE.

7 (3) WHEN A STOP-WORK ORDER IS ISSUED THE DEPARTMENT
8 SHALL DETERMINE THE EXTENT TO WHICH WORK IS STOPPED, AND MAY STOP
9 ALL WORK ON THE SITE EXCEPT THAT NECESSARY TO CORRECT THE
10 VIOLATION.

11 [(3)] (4) If reasonable efforts to correct the violation
12 are not undertaken by the agreement HOLDER or permit holder, the
13 Department shall refer the violation for legal action.

14 [(4)] (5) The Department may [deny the issuance of]
15 REFUSE TO ISSUE any permit to an applicant when it determines that
16 the applicant is not in compliance with [the provisions] ANY
17 PROVISION of an agreement, [or] grading permit or approved erosion
18 and sediment control plan on any site.

19 [(5)] (6) Any step in the enforcement process may be
20 taken at any time, depending upon the severity of the violation.

21 [(6)] (7) If a person is working without a permit, the
22 Department shall stop work on the site, except that activity
23 necessary to provide erosion and sediment control.

24 D. ~~IF~~ NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
25 AND IF conditions warrant, no notice of violation is necessary, and
26 the Department may proceed directly with a stop-work order or with

1 an alternative enforcement procedure as set forth in §214-25 OR
2 §214-25.1.

3 SECTION 214-25.1. ADDITIONAL CIVIL PENALTY.

4 A. IN ADDITION TO ANY OTHER PENALTY IMPOSED UNDER STATE OR
5 COUNTY LAW, A PERSON IS LIABLE FOR A CIVIL FINE UNDER THIS SECTION
6 IF THE PERSON VIOLATES ANY PROVISION OF THIS ARTICLE.

7 B. EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

8 C. THE AMOUNT OF A FINE UNDER THIS SECTION IS:

9 (1) FOR THE FIRST VIOLATION IN ~~A CALENDAR YEAR~~ ANY 12-
10 MONTH PERIOD, \$250;

11 (2) FOR ~~THE A~~ SECOND VIOLATION ~~IN A CALENDAR YEAR~~ BY THE
12 SAME PERSON WITHIN 12 MONTHS AFTER THE FIRST VIOLATION, \$500; AND

13 (3) FOR ~~THE A~~ THIRD VIOLATION AND EACH SUBSEQUENT
14 VIOLATION ~~IN A CALENDAR YEAR~~ BY THE SAME PERSON WITHIN 12 MONTHS
15 AFTER THE FIRST VIOLATION, \$1,000.

16 D. A FINE UNDER THIS SECTION SHALL BE IMPOSED IN THE
17 FOLLOWING MANNER:

18 (1) AN INSPECTOR WHO OBSERVES A VIOLATION SHALL REPORT
19 THE VIOLATION TO THE ~~ENVIRONMENTAL ENFORCEMENT CHIEF~~ DIRECTOR OR
20 THE DIRECTOR'S DESIGNEE, WHO SHALL VERIFY THAT THE VIOLATION EXISTS
21 THROUGH DISCUSSION WITH THE INSPECTOR, A SITE VISIT, OR OTHER
22 APPROPRIATE MEANS.

23 (2) IF A VIOLATION EXISTS, THE ~~ENVIRONMENTAL ENFORCEMENT~~
24 ~~CHIEF~~ DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL AUTHORIZE THE
25 INSPECTOR TO ISSUE A CITATION TO THE ~~ON-SITE PERSONNEL~~ PERSON
26 DIRECTLY RESPONSIBLE FOR THE VIOLATION OR THE PERMIT HOLDER.

(3) THE CITATION MAY BE DELIVERED OR MAILED, AND SHALL
INCLUDE:

- (a) THE NAME AND ADDRESS OF THE PERSON CITED;
- (b) A DESCRIPTION OF THE VIOLATION;
- (c) THE ADDRESS OR LOCATION OF THE VIOLATION;
- (d) THE AMOUNT OF THE FINE;
- (e) THE MANNER, LOCATION AND TIME IN WHICH THE FINE
MAY BE PAID TO THE COUNTY;

(f) A STATEMENT OF THE PERSON'S RIGHT TO ~~ELECT TO~~
~~STAND TRIAL FOR THE VIOLATION~~ FILE AN ADMINISTRATIVE APPEAL OF THE
CITATION, THE PROCEDURE TO BE FOLLOWED IN ORDER TO ~~MAKE SUCH AN~~
~~ELECTION~~ FILE AN ADMINISTRATIVE APPEAL, AND THE PERSON'S RIGHT TO
BE REPRESENTED BY AN ATTORNEY AT ~~TRIAL~~ THE HEARING OF THE
ADMINISTRATIVE APPEAL; AND

(g) THE ADDRESS AND TELEPHONE NUMBER OF THE
DEPARTMENT.

E. A PERSON WHO RECEIVES A CITATION ~~MAY ELECT TO STAND TRIAL~~
~~FOR THE VIOLATION BY FILING WITH THE COUNTY, AT LEAST 5 CALENDAR~~
~~DAYS BEFORE THE LAST DAY FOR PAYING THE FINE, A NOTICE OF INTENTION~~
~~TO STAND TRIAL~~ SHALL, WITHIN 30 CALENDAR DAYS AFTER RECEIVING THE
CITATION:

- (1) PAY THE FINE; OR
- (2) APPEAL THE CITATION IN ACCORDANCE WITH SUBSECTION
F OF THIS SECTION.

F. A PERSON WHO RECEIVES A CITATION MAY APPEAL THE CITATION
BY FILING WITH THE DIRECTOR OF ADMINISTRATION A REQUEST FOR A

1 HEARING IN ACCORDANCE WITH §R-2.4 OF THE COUNTY ADMINISTRATIVE
2 RULES OF PROCEDURE FOR REGULATIONS AND HEARINGS.

3 ~~F. G.~~ THE COUNTY SHALL TAKE THE STEPS NECESSARY TO ~~BRING THE~~
4 ~~MATTER BEFORE THE DISTRICT COURT~~ COLLECT THE FINE IF:

5 (1) THE FINE IS NOT PAID BY THE REQUIRED DATE; OR

6 (2) ~~A NOTICE OF INTENTION TO STAND TRIAL IS RECEIVED~~ THE
7 CITATION IS NOT APPEALED BY THE REQUIRED DATE.

8 ~~G. H.~~ ADJUDICATION OF A CIVIL VIOLATION UNDER THIS SECTION
9 IS NOT A CRIMINAL CONVICTION, NOR DOES IT IMPOSE ANY OF THE CIVIL
10 DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

11 ~~H. I.~~ A CITATION MAY BE ISSUED UNDER THIS SECTION REGARDLESS
12 OF WHETHER A ~~STOP WORK~~ STOP-WORK ORDER IS ISSUED FOR THE VIOLATION.

13 ~~I. J.~~ MONEY COLLECTED UNDER THIS SECTION:

14 (1) SHALL BE USED ONLY TO CORRECT DAMAGE THAT IS THE
15 RESULT OF THE FAILURE TO IMPLEMENT OR MAINTAIN EROSION OR SEDIMENT
16 CONTROLS; AND

17 (2) SHALL BE DEPOSITED IN A SEPARATE SEDIMENT CONTROL
18 ~~ACCOUNT; AND~~ ACCOUNT.

19 ~~(3) SHALL NOT REVERT TO THE GENERAL FUND.~~

20 Section 2. And Be It Further Enacted, That This Act shall take
21 effect 60 calendar days from the date it becomes law.

22 EFFECTIVE: July 12, 1993
23
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25
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AS AMENDED

HARFORD COUNTY BILL NO. 93-14 (as amended)(Brief Title) Sediment Control Amendment

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Doris Paulsen
Secretary of the Council

Jeffrey D. Dobbie
President of the Council

Date May 11, 1993Date May 11, 1993

BY THE COUNCIL

Read the third time.

Passed: LSD 93-14 (May 11, 1993)

Failed of Passage: _____

By Order

Doris Paulsen, Secretary

Sealed with the County Seal and presented to the County Executive for approval this 12th day of May, 1993 at 3:00 p. m.

Doris Paulsen, Secretary

BY THE EXECUTIVE

Cullen M. Belmann
COUNTY EXECUTIVE

APPROVED: Date May 13, 1993

BY THE COUNCIL

This Bill (No. 93-14, as amended), having been approved by the Executive and returned to the Council, becomes law on May 13, 1993.

Doris Paulsen, Secretary

EFFECTIVE DATE: July 12, 1993